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Karen A. Macaulay*

8 **UNITED STATES DISTRICT COURT**

9 **FOR THE DISTRICT OF NEVADA**

10 METROPOLITAN LIFE INSURANCE  
11 COMPANY,

Case No. 2:22-CV-00894-MMD-BNW

12 Plaintiff,

[ORDER]

13 v.

14 DAVID M. DOWNES, DANIEL R.  
15 DOWNES, COLLEEN P. DOWNES,  
KAREN A. MACAULAY, BRADLEY  
RANDALL, CHRISTA D. SHEDD,

16 Defendants.

17  
18 Defendants DAVID M. DOWNES, DANIEL R. DOWNES, COLLEEN P. DOWNES, and  
19 KAREN A. MACAULAY (hereinafter “Macaulay Defendants”), by and through their attorneys of  
20 record, the law firm of CLARK MCCOURT, hereby submit their [Proposed] Order for  
21 disbursement of interpled funds pursuant to this Court’s order entered on January 30, 2024 (ECF  
22 No. 52).

23 On January 30, 2024, this Court granted Macaulay Defendants’ Motion for Summary  
24 Judgment (ECF No. 22) in part as to the \$542,000 in proceeds from Decedent Daniel Downes’  
25 Basic Life benefits portion of his insurance policy. (ECF No. 52, p. 15). Macaulay Defendants  
26 have authorized disbursement of the said funds to their attorneys of record, the law firm of Clark  
27 McCourt. (Authorization For Disbursement of Funds executed by all Macaulay Defendants is  
28 attached hereto as **Exhibit 1**). Therefore, pursuant to the January 30, 2024 Order, Macaulay

Defendants respectfully request this Court to order the Clerk of Court to disburse the entire proceeds of Basic Life benefits in the amount of \$542,000 to their attorneys of record, the law firm of Clark McCourt.

DATED this 2<sup>nd</sup> day of February, 2024.

**RESPECTFULLY SUBMITTED BY:**

CLARK MCCOURT

/s/ Lukas B. McCourt

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Brian P. Clark

Nevada Bar No. 4236

Lukas B. McCourt

Nevada Bar No. 11839

7371 Prairie Falcon Rd

Las Vegas, NV 89128

*Attorneys for Defendants*

Daniel Downes, Colleen P. Downes, and

*Karen A. Macaulay*

#### WATER SUPPLY

## **ORDER**

It is hereby ordered that the Clerk of Court disburse the entirety of the Basic Life proceeds in the amount of Five Hundred Forty Two Thousand Dollars (\$542,000) to Clark McCourt Client Trust Account, for the benefit of David M. Downes, Daniel R. Downes, Colleen P. Downes, and Karen A. Macaulay.

DATED: February 5, 2024

  
UNITED STATES DISTRICT JUDGE

**AUTHORIZATION FOR DISBURSEMENT OF FUNDS**

The undersigned, David M. Downes, Daniel R. Downes, Colleen P. Downes, and Karen A. Macaulay (hereinafter, collectively “Macaulay Defendants”), are defendants in the interpleader action, *Metropolitan Life Insurance Company v. Daniel R. Downes, et. al.* (United States District Court, District of Nevada, Case No. 2:22-cv-00894-MMD-BNW). The Court’s Order entered on January 30, 2024, granted the sum of \$542,000 in proceeds from Decedent Daniel Downes’ Basic Life benefits to Macaulay Defendants. Macaulay Defendants hereby authorize disbursement of the entirety of the Basic Life proceeds in the amount of \$542,000 to our attorneys of record, the law firm of Clark McCourt. Macaulay Defendants hereby request disbursement of the funds made payable to **Clark McCourt Client Trust Account, for the benefit of David M. Downes, Daniel R. Downes, Colleen P. Downes, and Karen A. Macaulay.**

Dated: 02/01/2024

DAVID D  
David M. Downes

Dated: 02/01/2024

Daniel D  
Daniel R. Downes

Dated: 02/01/2024

Colleen P. Downes  
Colleen P. Downes

Dated: 02/01/2024

Karen Macaulay  
Karen A. Macaulay